



CITY OF BEAVER FALLS
 DEPT. OF CODE ENFORCEMENT & ZONING
 715 FIFTEENTH STREET, BEAVER FALLS, PA 15010
 OFFICE: (724) 847- 2808 EXT. 200
 FAX: (724) 847-4748
 WWW.BEAVERFALLSPA.ORG

Zoning Hearing Application

*Conditional Use Fee - \$800.00**
*Use Variance Fee - \$1,100.00**
Map Amendment - \$1,300.00

**Fees include stenographer deposit of \$100.00*

I. PROPERTY INFORMATION:

ADDRESS/ LOCATION OF PROPERTY:	Tax Parcel Number:
---------------------------------------	---------------------------

A. PROPERTY OWNER:

ADDRESS:

CITY, STATE, ZIP:

DAYTIME PHONE: ()

CELL PHONE: ()

FAX: ()

II. APPLICANT INFORMATION:

A. APPLICANT NAME (if different from Owner):

ADDRESS:

CITY, STATE, ZIP:

DAYTIME PHONE: ()

CELL PHONE: ()

FAX: ()

Applicant's interest in the property in question, or relationship to property owner:

- Legal Owner (owner on deed)
 Equitable Owner (property under agreement of sale)
 Lessee
 Authorized Agent:
 Attorney
 Engineer
 Architect
 Other: _____

B. ATTORNEY (if applicable):

ADDRESS:

CITY, STATE, ZIP:

DAYTIME PHONE: ()

CELL PHONE: ()

FAX: ()

IV. REQUESTED HEARING:

<input type="checkbox"/> CONDITIONAL USE	<input type="checkbox"/> SPECIAL EXCEPTION	<input type="checkbox"/> VARIANCE	<input type="checkbox"/> MAP AMENDMENT
---	---	--	---

You will need to submit the following with your application:
 Copy of Deed (if possible)
 Plot Plan or Drawings (if available)

Failure to provide sufficient information may result in the return of your request (s) and delay the Board's consideration of your request (s):

1. Briefly describe the current or previous use of the property.

2. Description of Proposed Use:
Indicate on your plans what portions of the building will be affected by the request

3. Specify the particular code and the section (s) of the code, or any referenced standard mentioned in the specified section (s):

4. List of Witnesses who will testify (if known):

1.

5.

2.

6.

3.

7.

4.

8.

Applicant verifies that the statements made and the facts set forth in the foregoing Application are true and correct to the best of their knowledge, information and belief. Applicant understands that false statements herein are made a crime and made subject to the penalties of the Crimes Code, 18 Pa. C. S. 4904 relating to unsworn falsification to authorities.

Applicant - PRINT

Applicant - Signature

Date

Property Owner - PRINT

Property Owner - Signature

Date

V. FEE VALIDATION: (OFFICE USE ONLY)

SUMMARY OF FEES		Comments:
HEARING FEE	\$	
STENOGRAPHER FEE (DEPOSIT)	\$	
TOTAL HEARING FEE	\$	
DATE PAID:	CASH CHECK # _____	
/ / 20		
Application #		

VI. ZONING OFFICER COMMENTS:

Signature of Zoning Officer _____ Date _____

This signature does not certify the approval of this zoning request. Signature only signifies that the zoning officer reviewed this application prior to the review of the Hearing Board.

VI. HEARING PROCEEDINGS: (OFFICE USE ONLY)

LEGAL ADVERTISEMENT DATES:	PREMISES POSTED:
HEARING DATE:	HEARING TIME:
HEARING VIEWED BY:	<input type="checkbox"/> Zoning Hearing Board <input type="checkbox"/> Planning Comm. <input type="checkbox"/> City Council

BOARD ATTENDANCE:

<u>ZONING HEARING BOARD MEMBERS:</u>	<u>PLANNING COMMISSION MEMBERS:</u>	<u>CITY COUNCIL MEMBERS:</u>
<input type="checkbox"/> Todd Davis	<input type="checkbox"/> Ray Gutowski – Chairperson	<input type="checkbox"/> George Quay, Mayor
<input type="checkbox"/> Georgian Genevie	<input type="checkbox"/> Mary Beth Quinn	<input type="checkbox"/> Leonard Chiappetta
<input type="checkbox"/> Kolbe Cole	<input type="checkbox"/> Gerald Moran	<input type="checkbox"/> John "Chuckie" Kirkland
<input type="checkbox"/> Michael Anderson	<input type="checkbox"/> Raymond Monza	<input type="checkbox"/> Doug Carson
<input type="checkbox"/>	<input type="checkbox"/> Harper Simpson	<input type="checkbox"/> Kevin Kunselman
<input type="checkbox"/> John Walker - Zoning Solicitor	<input type="checkbox"/> Nancy Peleia	<input type="checkbox"/> Shannon L. Steele – City Solicitor
	<input type="checkbox"/> Dean Dinell	
	<input type="checkbox"/>	

BOARD	DECISION (CIRCLE ONE):	DATE:
<i>City Planning Commission (CUH)</i>	RECOMMENDED / NOT RECOMMENDED	
<i>City Zoning Hearing Board</i>	APPROVED / DISAPPROVED	
<i>City Council</i>	APPROVED / DISAPPROVED	

PLANNING COMMISSION COMMENTS:

HEARING BOARD COMMENTS:

Zoning Ordinance 3054 is available for purchase, \$10.

You may download a copy from the City website, www.beaverfallspa.org.

**ARTICLE 18
SPECIAL EXCEPTIONS AND CONDITIONAL USES**

SECTION 1801 POWERS AND DUTIES: CONDITIONAL USES

The City Council shall hear and decide all requests for Conditional Uses in those cases where this Ordinance indicates a Conditional Use may be granted subject to compliance with the standards and criteria prescribed and a finding by the Board that said use is consistent with the purpose of this Ordinance and the City of Beaver Falls Comprehensive Plan. In granting a Conditional Use, the City Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Ordinance.

SECTION 1802 PROCEDURES

A.The landowner shall file a request for the granting of a Conditional Use along with all maps, plans, and text which may be necessary to explain the development proposed and its compliance with the standards and criteria of this Ordinance with the Zoning Officer. Said request shall be accompanied by a fee specified by the City Council, and shall be filed in triplicate.

B.The City Council shall transmit one copy of the request as well as all documentation to the City Planning Commission for recommendations

C.The City Council shall schedule and hold a public hearing with public notice within such time periods as authorized by the Pa Municipalities Planning Code

D.In granting a conditional use, the governing body may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of the zoning ordinance or the Pa Municipalities Planning Code.

E.The governing body shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before the governing body, or such time as permitted by the Pa Municipalities Planning Code, as may be amended.

F.Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

SECTION 1803 SPECIAL EXCEPTIONS:POWERS AND DUTIES

Where the governing body has stated special exceptions, in the zoning ordinance, to be granted or denied by the Zoning Hearing Board pursuant to expressed standards and criteria.

SECTION 1804 PROCEDURES

Upon application and in accordance with the provision of the zoning ordinance and rules of the Board, the Board shall determine the reasonableness and propriety in particular cases of any one of the following special exceptions to the zoning district regulations. The proposed use shall also conform with all the provisions for the use in the particular zoning district in which it is to be located, and all other provisions of the zoning ordinance, except as prescribed in this section. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed herein, as it may deem necessary to implement the purposes of the zoning ordinance.

The Board shall consider, explain and record its findings and determinations in conformity with the spirit and intent of the zoning ordinance and may authorize or deny a permit for the following special exception uses:

All procedures for Board activities, including, but not limited to timing, advertising of hearings, and notice of decisions shall be conducted in conformity to the Pa Municipalities Planning Code.

This article contains specific standards for Conditional Uses and Special Exceptions allowed in each zoning district. It shall be the responsibility of the applicant to illustrate compliance with these standards to the City. In granting a Conditional Use or Special Exception, the City Council or Zoning Hearing Board may also add reasonable additional conditions and safeguards beyond the specific criteria for each Conditional Use or Special Exception. The purpose of such additional conditions and safeguards is to further mitigate negative impacts of a development upon specific sites, and make the Conditional Use more

compatible with the surrounding zoning district. Such reasonable additional conditions and safeguards may include, but are not limited to:

- A. Establishment of screening and buffering, or an increase in screening and buffering normally required.
- B. Limitations upon hours of operation.
- C. Establishment of fencing for purposes of security, limiting vehicular access, or control of windblown trash.
- D. Limits upon future subdivision of property to prevent the creation of a lot too small for the approved Conditional Use.
- E. Changes in the proposed location or design of access drives or parking areas to prevent traffic hazards, congestion, or the impacts of increased traffic upon local access and residential streets.
- F. Other conditions to ensure that the exterior appearance of a building or property is in harmony with surrounding development, including an agreement by the applicant to adhere to any design standards of the City Subdivision and Land Development Ordinance.
- G. The developer will be notified in writing of any such reasonable additional conditions and safeguards imposed by the applicable board as part of an approval.

ARTICLE 20
NON-CONFORMING USES, STRUCTURES AND LOTS

SECTION 2001 INTENT AND STANDARDS

- A. Within the districts established by this ordinance or amendments that may later be adopted there may exist lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance or future amendment.
- B. It is the intent of this ordinance to permit these non-conformities to continue until they are removed. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. Non-conformities may be enlarged and expanded as determined by the Zoning Hearing Board.
- C. A non-conforming use of a structure, a non-conforming use of land, or non-conforming use of a structure and land shall not be extended or enlarged after passage of this ordinance by:
 - 1. By the addition of other uses, if such additions are of a nature which would be prohibited generally in the district,
 - 2. Attachment of additional signs to a building, or
 - 3. The placement of additional signs or display devices on the land outside the building.
- D. Nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been continuously carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination, and removal of an existing structure in connection with such construction, provided that actual construction work shall be continuously carried on until the completion of the building involved.

SECTION 2002 NON-CONFORMING LOTS OF RECORD

For non-conforming lots of record the owner shall apply to the Zoning Hearing Board for the appropriate variances for the use of said lot. If two or more lots with continuous frontage in single ownership and if all or parts of the lots do not meet the requirements for lot width and area in the respective district, the lands involved shall be considered to be an undivided parcel for the purpose of this ordinance. No portion of said parcel shall be used which does not meet lot width and area requirements established by this ordinance. Nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

SECTION 2003 NON-CONFORMING USES OF LAND

Where lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, subject to the following provisions:

- A. No such non-conforming use shall be expanded, occupy a greater area of land than was occupied at the effective date of this Ordinance, except as specified by Section 2004.
- B. No such non-conforming use shall be moved to any other position of the lot occupied by such use at the effective date of this Ordinance.
- C. If any such non-conforming use of land ceases for a period of more than twelve (12) months, any subsequent use of such land shall conform to the regulations for the district in which such land is located.

SECTION 2004 NON-CONFORMING STRUCTURES

Where a lawful structure exists that could not be built under the terms of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. A structure may be enlarged or altered one time with application to the zoning Hearing Board provided that such expansion does not entail an increase in gross floor area of greater than 25 percent. This application shall be treated as a special exception, and the Board may add reasonable additional conditions and safeguards to any approval.
- B. Should such structure be destroyed by any means, it may be rebuilt provided the use and intensity of use is no more objectionable or no greater than existed prior to destruction. Application for permit to rebuild a non-conforming

structure shall be filed within twelve months of the date of destruction otherwise it shall not be reconstructed except in conformity with the provisions of this Ordinance unless a variance is granted by the Zoning Hearing Board.

- C. Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after moved.

SECTION 2005 NON-CONFORMING USES OF STRUCTURES

If a lawful use of a structure or of a structure and premises in combination exists that would not be allowed in the district, the lawful use may be continued subject to the following provisions:

- A. An existing structure devoted to a use not permitted in the district in which it is located may be enlarged, extended, constructed, reconstructed, or structurally altered upon granting of a variance by the Zoning Hearing Board.
- B. Any non-conforming use may be extended throughout any parts of a building, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Zoning Hearing Board shall find that the proposed use is equally or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Hearing Board may require additional conditions and safeguards.
- D. Once a non-conforming use is superseded by a permitted use, the non-conforming use shall not be resumed.
- E. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve consecutive months, they shall not be used except in conformance with the regulations of the district in which it is located.
- F. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

SECTION 2006 REPAIRS AND MAINTENANCE

- A. On any building, devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing without the requirement of a zoning permit.
- B. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charge with protecting the public safety, upon order of such official.